

MEMO ENDORSED

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September 15, 2008

VIA FACSIMILE

Honorable Frank Maas
United States Magistrate District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, N.Y. 10007-1312

Re: Lipscomb v. City of New York, et al.
Docket No. 07-CV-4603 (PKC) (FM)

Dear Judge Maas:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to represent defendants, the City of New York, Deputy Inspector Theresa Shortell, Sergeant Vincent Gravelli and Lieutenant Michael Casey (collectively "Defendants") in the above-referenced matter.

I write on behalf of both parties to request a forty-five day extension of the discovery deadline from September 19, 2008 to November 3, 2008. Plaintiff's counsel joins in the instant application.

This extension is necessary because although both parties have worked diligently to complete discovery in this matter by the Court imposed deadline of September 19, 2008, there are still some outstanding matters that the parties need to resolve before completing discovery in this matter, including the deposition of plaintiff which is scheduled for tomorrow, September 16, 2008. On or about July 9, 2008, I sent via US Mail, copies of medical releases to be executed and signed by plaintiff. On or about August 11, 2008, pursuant to a conversation with plaintiff's counsel, who advised me that he did not receive the prior releases I sent another copy of the medical releases to plaintiff's counsel. However, pursuant to a conversation with plaintiff's counsel on or about September 3, 2008 plaintiff's counsel had still not received copies of the medical releases that was sent to him on August 11, 2008. Accordingly, on September 15, 2008,

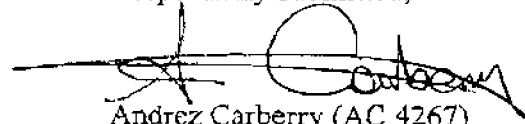
Fact discovery will be extended to 11/3/08, provided that plaintiff's counsel furnishes fully-executed releases to Mr. Carberry by 9am on 9/22/08. The telephone conference previously scheduled for later that day is not adjourned. Filings, USA

9/15/08

I emailed copies of the aforementioned medical releases to be executed by plaintiff to his attorney Andrew Rowe at arowelaw@comcast.net for which I received a confirmation receipt. After receipt of the executed medical releases from plaintiff, I will then have to send them to the respective physicians, and then await copies of the doctors' files, a process I believe will take approximately 30 days from receipt of the executed medical releases.

Due to plaintiff's allegations of discrimination based on his medical condition, it is imperative that I have an opportunity to review his medical files before deposing the plaintiff and completing discovery in this matter. Accordingly, the parties jointly propose the following revised discovery schedule: fact discovery in this matter is extended from September 18, 2008 until November 3, 2008. Since the parties stipulated to plaintiff filing his Second Amended Complaint in this matter, no prior request for this relief has been made by defendants.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrez Carberry", is written over a horizontal line.

Andrez Carberry (AC 4267)
Assistant Corporation Counsel

cc: Andrew Rowe, Esq., (Electronic Mail)
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